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### REMARKS

Claims 1-19 are cancelled. Claims 20, 23 and 28 are amended. Claims 39-45 are added.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

#### I. The Rejection of Claims 20-38 under 35 U.S.C. 112 (Indefiniteness)

Claims 20-38 are rejected under 35 U.S.C. 112, as indefinite.

Claim 20 is rejected as indefinite on the basis that it is not clear if the fermenting step is "optional" or always done. The claims have been amended to expedite prosecution by deleting the phrase "optionally," in regard to the "fermentation" step.

Claim 28 is rejected as indefinite on the basis that it improperly recites a broad range and narrow range together. Claim 28 has been amended to address this rejection. New claims 39-45 have been added.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

#### II. The Rejection of Claims 20-24, 28-30, 32-33 and 35-38 under 35 U.S.C. 102(b)

Claims 20-24, 28-30, 32-33 and 35-38 are rejected under 35 U.S.C. 102(b) as anticipated by Ahvenainen et al. (US PAT NO. 5,273,762). As stated on page 3-6 of the Office action, Ahvenainen et al. is cited for disclosing all of the steps of the claimed method.

As known in the art, in traditional mashing processes, the hops are added after the enzymatic hydrolysis of the starch (i.e., the malting process) because the malt enzymes are known to be inhibited by the hops. See, e.g., Ahvenainen et al. at col. 1, lines 34-35 ("Boiling the wort with hops to add flavors and to stop enzymatic action."); see also Ahvenainen et al. at Example 2, col. 5, lines 12-18. The Examiner states that Ahvenainen et al. teach adding hops prior to cooking. However, Ahvenainen et al. does not teach adding the hops prior to or during enzymatic treatment of starch (i.e., the malting process).

In order to expedite prosecution, the claims are amended to recite that hops have been added prior to or during enzymatic treatment of the starch. The claims therefore encompass a process in which the enzymatic malting process occurs during or after the addition of hops. Accordingly, Ahvenainen et al. does not anticipate the present invention as it teach the addition of the hops after the enzymatic malting process.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

### **III. The Rejection of Claims 25 and 26 under 35 U.S.C. 103**

Claims 25 and 26 are rejected under 35 U.S.C. 103 as obvious over Ahvenainen et al. in view of Villetaz.

As previously discussed, Ahvenainen et al. does not anticipate the present invention as it teach the addition of the hops after the enzymatic malting. Villetaz also does not teach adding the hops prior to or during the enzymatic malting process.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

### **IV. The Rejection of Claim 31 under 35 U.S.C. 103**

Claim 31 is rejected under 35 U.S.C. 103 as obvious over Ahvenainen et al. in view of Brenner et al.

As previously discussed, Ahvenainen et al. does not anticipate the present invention as it teach the addition of the hops after the enzymatic malting. Brenner et al. also does not teach adding the hops prior to or during the enzymatic starch treatment process.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

### **V. The Rejection of Claims 32-34 under 35 U.S.C. 103**

Claims 32-34 are rejected under 35 U.S.C. 103 as obvious over Ahvenainen et al. in view of Goldstein et al. (US Patent No. 5,972,411).

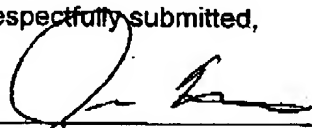
As previously discussed, Ahvenainen et al. does not anticipate the present invention as it teach the addition of the hops after the enzymatic starch treatment process.

Goldstein et al. also does not teach the addition of hops prior to or during enzymatic malting process. In particular, Goldstein et al. teach the addition of hops after fermentation or before cooking, but not prior to or during enzymatic malting. For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

**VI. Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,



Date: November 20, 2006

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